

The Commonwealth of Massachusetts

THE

JOURNAL OF THE SENATE

EXTRA SESSION

OF THE YEAR

1980

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MONDAY, NOVEMBER 17, 1980.

JOURNAL OF THE SENATE.

EXTRA SESSION.

In response to a Proclamation of His Excellency the Governor, under the date of November fourteenth, nineteen hundred and eighty, convoking the General Court in the State House at Boston on the seventeenth day of November, nineteen hundred and eighty, at one o'clock in the afternoon, the Senate convened in the Senate Chamber at the time designated and was called to order by the Honorable William M. Bulger, President of the Senate.

The Proclamation, which was then read by the Clerk, was as follows:

THE COMMONWEALTH OF MASSACHUSETTS.
BY HIS EXCELLENCY EDWARD J. KING, GOVERNOR.

A PROCLAMATION.

1980

Whereas, The Constitution of the Commonwealth provides that "the Governor with the advice of council, shall have full power and authority," during the recess of the General Court, "to call together sooner than the time to which it may be adjourned or prorogued, if the welfare of the Commonwealth shall require the same"; and

Governor's
proclamation
convoking the
General Court.

Whereas, The Massachusetts Bay Transportation Authority (MBTA) is a body politic and corporate, a political subdivision of the Commonwealth, charged with the responsibility of providing mass transportation services to a large area of the Commonwealth; and

Whereas, The mass transportation services provided by the MBTA are essential to the health, safety and economy of the region served by the MBTA; and

Whereas, The operating expenses of the MBTA must be approved by the Advisory Board of the MBTA before any expenditures can be made; and

Whereas, The Advisory Board has approved a budget of \$302,120,562 which will soon be exhausted; and

Whereas, The Advisory Board has failed to approve any supplementary budget for the MBTA despite repeated requests for such approval; and

Whereas, A public emergency has been created by such failure of the Advisory Board in which a termination of public transportation services provided by the MBTA is imminent; and

Whereas, The welfare of the Commonwealth requires that the General Court consider the enactment of legislation that will permit the continuation of the public transportation services by the MBTA;

Now, Therefore, Believing that the welfare of the Commonwealth so requires, I hereby make proclamation to the members of the General Court of Massachusetts calling them to assemble at the State House on November 17, 1980 at one o'clock in the afternoon to the end that action may be taken upon the foregoing matters.

Given at the Executive Chamber, with the advice of Council, this fourteenth day of November in the year of Our Lord, one thousand nine hundred and eighty and of the Independence of the United States of America, the two hundred and fifth.

EDWARD J. KING,
Governor.

MICHAEL JOSEPH CONNOLLY,
Secretary of the Commonwealth.

Orders Adopted.

On motion of Mr. Boverini, —

House
notified.

Ordered, That a committee of three be appointed to inform the House of Representatives that the Senate is now assembled and ready to proceed to business.

Senators Wall, McCarthy and Fitzpatrick were appointed the committee.

Mr. Wall, for the committee, afterwards reported that it had attended to the duty assigned to it; and the committee was discharged.

Notification
from House.

Subsequently, notice was received from the House, by a committee thereof, that that branch had assembled and was ready to proceed to business.

On motion of Mr. Boverini, —

Governor
notified.

Ordered, That a committee of three members of the Senate and such as the House may join, be appointed to wait upon His Excellency the Governor and the Honorable Council and inform them that the two branches of the General Court are now assembled pursuant to His Excellency's proclamation of the fourteenth instant, and are ready to proceed to business and to receive such communication as it may be his pleasure to make to them.

Senators Buckley, John P. Burke and Hall, and Representatives Piro of Somerville, DeNucci of Newton, Cimino of Milford, Mullins of Ludlow, Asiaf of Brockton, Cahir of Bourne, Aguiar of Swansea, Speliotis of Danvers, Carey of Easthampton, Connelly of Agawam, DeFilippi of West Springfield, Gray of Groveland, Cellucci of Hudson, Bly of Saugus, Silva of Gloucester, and Pierce of Westfield were appointed the committee.

Ms. Buckley, for the committee, afterwards reported that His Excellency the Governor had been informed that the Senate was ready to proceed to business; and the committee was discharged.

On motion of Mr. Boverini, —

Ordered, That the Clerk begin the daily printing of the Journal of the Senate, as authorized by Senate Rule 6, and that the daily reading thereof be dispensed with; that, under authority of Section 10 of Chapter 5 of the General Laws, four hundred copies of the Journals for the special session be printed and bound with the customary appendices and an index; and that a certified copy thereof be deposited with the Secretary of the Commonwealth as the official Journal of the Senate.

Journal of the Senate,
— printing.

On motion of Mr. Boverini, —

Ordered, That, in respect to procedure under Senate Rules 24 and 53, the period commencing forthwith be considered the last week of the session.

Senate Rules 24 and 53,—
last week of session.

Joint Standing Committee Resignation and Appointment.

The President announced the resignation of Senator Robert E. McCarthy of Plymouth from the first position of the committee on Taxation and the appointment of Senator John W. Olver of Franklin and Hampshire to fill the vacancy.

Committee on Taxation,—
resignation and appointment.

Resolutions.

Mr. Wall offered "Resolutions on the death of Attorney Vincent Manzi"; and, under the rule, they were referred to the committee on Rules.

Attorney Vincent Manzi.

Subsequently, Mr. Foley, for the said committee, reported, recommending that the resolutions ought to be adopted; and they were considered forthwith, under a suspension of the rule, moved by Mr. Wall, and adopted.

On motion of Mr. Hunt, at twenty-six minutes past one o'clock P.M., the President declared a recess; and, at four o'clock P.M., the Senate reassembled; and, on motion of Mr. Parker, the President declared a further recess; and, at five minutes past five o'clock P.M., the Senate reassembled, Mr. Foley in the Chair; and, on motion of Mr. D'Amico, the Chair declared a further recess; and, at three minutes past six o'clock P.M., the Senate reassembled, Mr. Boverini in the Chair; and, on motion of Mr. Hunt, the Chair declared a further recess; and, at twenty-nine minutes past six o'clock P.M., the Senate reassembled, the President in the Chair.

Recesses.

PAPER FROM THE HOUSE.

A message from His Excellency the Governor recommending legislation relative to the structure and labor management of the Massachusetts Bay Transportation Authority (House, No. 6832), — was referred, in concurrence, as follows:

MBTA,—
structure and labor management.

So much as relates to labor management (App. B);
To the committee on Public Service.
 So much as relates to the structure (App. A);
To the committee on Transportation.

Recesses.

On motion of Mrs. Fonseca, at twenty-eight minutes before seven o'clock P.M., the President declared a recess; and, at ten o'clock P.M., the Senate reassembled, Mrs. Fonseca in the Chair; and, on motion of Mr. Hall, the Chair declared a further recess; and, at twenty-seven minutes before eleven o'clock P.M., the Senate reassembled, Mrs. Fonseca in the Chair; and, on motion of Mr. Owens, the Chair declared a further recess; and, at twenty-nine minutes before twelve o'clock midnight, the Senate reassembled, Mrs. Fonseca in the Chair; and, on motion of Mr. Walsh, the Chair declared a further recess; and, at one minute past twelve o'clock midnight, on Tuesday, November 18, the Senate reassembled, Mrs. Fonseca in the Chair; and, on motion of Mr. Edward L. Burke, the Chair declared a further recess; and, at twenty-three minutes before one o'clock A.M., the Senate reassembled, the President in the Chair; and, on motion of Mrs. Fonseca, the President declared a further recess; and, at eleven minutes past two o'clock A.M., the Senate reassembled; and, on motion of Mrs. Fonseca, the President declared a further recess; and, at seven minutes past three o'clock A.M., the Senate reassembled, Mrs. Fonseca in the Chair; and, on motion of Mr. Walsh, the Chair declared a further recess; and, at a quarter before five o'clock A.M., the Senate reassembled, the President in the Chair.

Order Adopted.

Senate,—
time of
meeting.

On motion of Mr. Foley, —
Ordered, That when the Senate adjourns today, it adjourn to meet again on Thursday, November 20, at one o'clock P.M.

Order.

Constitutional
Convention,—
continuance.

Mr. Parker offered the following order, to wit: —
Ordered, That the Senate hereby calls for a continuance of joint constitutional session, which adjourned on November 12, 1980, to November 20, 1980, at 11 o'clock in the forenoon, to the end that the following Proposals for Constitutional Amendments, properly laid before it, and referred to the committees on Bills in the Third Reading of the two Houses, acting jointly, may be reported out and be further and finally acted upon:

Proposal for a legislative amendment to the Constitution abolishing durational residence requirements for voting (House, No. 475) with reference to which the committee on Election Laws has reported recommending that the amendment ought to pass with an amendment.

Proposal for a legislative amendment to the Constitution restrict-

ing eligibility for public office by certain persons (Senate, No. 352) with reference to which the committee on Election Laws has reported recommending that the amendment ought NOT to pass.

Proposal for a legislative amendment to the Constitution establishing the right of privacy for all persons (Senate, No. 906) with reference to which the committee on the Judiciary has reported recommending that the amendment ought NOT to pass.

Proposal for a legislative amendment to the Constitution providing that a petition relating to a city may be presented to the General Court by the City Council without the approval of the mayor (House, No. 555) with reference to which the committee on Local Affairs has reported recommending that the amendment ought to pass with an amendment.

Proposal for a legislative amendment to the Constitution establishing procedures for pay raises (House, No. 3289) with reference to which the committee on Public Service has reported recommending that the amendment ought NOT to pass.

Proposal for a legislative amendment to the Constitution protecting minor children from abuse and neglect (House, No. 3587) with reference to which the committee on the Judiciary has reported favorably.

After remarks, it was *rejected*, by a vote of 4 to 8.

At five minutes before five o'clock A.M., Mr. Parker doubted the presence of a quorum; and a count of the Senate determined that a quorum was not present; therefore, the vote was declared void.

Quorum.

Subsequently, at four minutes before five o'clock A.M., a quorum being present, the question on adopting the order was further considered; and it was *rejected*, by a vote of 7 to 13.

Subsequently, Mr. Locke moved that this vote be reconsidered; and, after extended debate, the question on this motion was determined by a call of the yeas and nays, at three minutes before six o'clock A.M., on motion of Mr. Locke, as follows, to wit (yeas 9 — nays 18): —

Motion to reconsider.

YEAS.

Aylmer, John F.
Hall, Robert A.
Harold, Paul D.
King, John G.
Locke, David H.

Parker, John F.
Shea, Philip L.
Wall, William X.
Zarod, Stanley J. — 9.

NAYS.

Amick, Carol C.
Bertonazzi, Louis P.
Boverini, Walter J.
Brennan, John A., Jr.
Buckley, Anna P.
Burke, John P.
D'Amico, Gerard
Doris, Francis D.
Foley, Daniel J.

LoPresti, Michael, Jr.
McCarthy, Robert E.
McKenna, Denis L.
Olver, John W.
Qwens, Bill
Pollard, Sharon M.
Rotondi, Samuel
Timilty, Joseph F.
Walsh, Joseph B. — 18.

ABSENT OR NOT VOTING.

Atkins, Chester G.
Backman, Jack H.
Buell, Robert C.
Burke, Edward L.
Fitzpatrick, John H.
Fonseca, Mary L.

Hunt, Robert M.
Lewis, Arthur Joseph, Jr.
McCann, Francis X.
McKinnon, Allan R.
Sisitsky, Alan D.
Wetmore, Robert D. — 12.

The yeas and nays having been completed at six o'clock A.M., the motion to reconsider was *negatived*.

On motion of Mr. Foley, at one minute past six o'clock A.M., the Senate adjourned to meet on the following Thursday at one o'clock P.M.

Thursday, November 20, 1980.

Met according to adjournment, at one o'clock P.M.

Resolutions.

Mr. Wall offered "Resolutions congratulating R. J. Macartney Co. on its one hundredth anniversary"; and, under the rule, they were referred to the committee on Rules. R. J. Macartney
Co.

Subsequently, Mr. Foley, for the said committee, reported, recommending that the resolutions ought to be adopted; and they were considered forthwith, under a suspension of the rule, moved by Mr. Wall, and adopted.

Mr. Wall offered "Resolutions on the death of Frederick B. Cole"; and, under the rule, they were referred to the committee on Rules. Frederick
B. Cole.

Subsequently, Mr. Foley, for the said committee, reported, recommending that the resolutions ought to be adopted; and they were considered forthwith, under a suspension of the rule, moved by Mr. Wall, and adopted.

On motion of Ms. Buckley, at two minutes past one o'clock P.M., the President declared a recess; and, at thirteen minutes past one o'clock P.M., the Senate reassembled. Recess.

Distinguished Guest.

There being no objection, the President introduced Joseph Silvano, a former member of the Massachusetts State Senate. Mr. Silvano briefly addressed the Senate, took a bow, and withdrew from the Chamber. Hon. Joseph
Silvano.

On motion of Mrs. Fonseca, at eighteen minutes past one o'clock P.M., the President declared a recess; and, at half past three o'clock P.M., the Senate reassembled; and, on motion of Ms. Buckley, the President declared a further recess; and, at five minutes past four o'clock P.M., the Senate reassembled, Mr. Boverini in the Chair; and, on motion of Mrs. Fonseca, the Chair declared a further recess; and, at twenty-seven minutes past four o'clock P.M., the Senate reassembled, Mr. Boverini in the Chair; and, on motion of Mrs. Fonseca, the Chair declared a further recess; and, at two minutes past five o'clock P.M., the Senate reassembled, Mr. Boverini in the Chair; and, on motion of Mrs. Fonseca, the Chair declared a further recess; and, at seventeen minutes past five o'clock P.M., the Senate reassembled, Mr. Boverini in the Chair; and, on motion of Mrs. Fonseca, the Chair declared a further recess; and, at twenty-nine minutes before six o'clock P.M., the Senate reassembled, Mr. Boverini in the Chair. Recesses.

JOURNAL OF THE SENATE — EXTRA SESSION,

Communications.

The following communications were read for the information of the Senate and placed on file, to wit: —

COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS SENATE
STATE HOUSE, BOSTON

November 17, 1980.

The Honorable William M. Bulger
Senate President
State House, Boston, Massachusetts

Mr. President:

Sen. Robert E.
McCarthy,—
communication.

In order to facilitate the transition for the Special Commission Relative to Local Aid Distribution, I hereby tender my resignation from said commission (established by Chapter 4 of the Resolves of 1980, "Resolve providing for an investigation and study by a special commission relative to the current local aid distribution formula in order to determine if said formulas provide a fair and equitable distribution to the cities and towns.").

I have appreciated the opportunity to participate in this important commission, and feel it will have a meaningful part to play in the critical area of distribution of local aid monies.

I feel that you should have an opportunity to appoint a new member at this time so that there could be input to the Commission for the next legislative session.

Yours truly,

ROBERT E. MCCARTHY,
Senator.

OFFICE OF THE PRESIDENT
MASSACHUSETTS SENATE
STATE HOUSE, BOSTON

November 20, 1980.

The Honorable Edward B. O'Neill
Senate Clerk
State House, Boston, Massachusetts

Dear Mr. Clerk:

President of
the Senate,—
communication.

I have this day appointed Senator John W. Olver of Franklin and Hampshire as Chairman of the Special Commission Relative to Local Aid Distribution established by Chapter 4 of the Resolves of 1980.

Sincerely,

WILLIAM M. BULGER,
President of the Senate.

PAPER FROM THE HOUSE.

Prorogation.

The President in the Chair, the following House Order was adopted, in concurrence, as follows, to wit: —

Ordered, That a committee, to consist of six members of the House and such members as the Senate may join, be appointed to wait upon His Excellency the Governor, and inform him that the two branches of the General Court have disposed of the public business brought before them, and to request him, with the advice and consent of the Council, to prorogue them to the Tuesday next preceding the first Wednesday of January next.

Prorogation.

Senators Hunt, Walsh and Parker, and Representatives White of Boston, Cerasoli of Quincy, Melia of Boston, Finneran of Boston, Lombardi of Easton and Poirier of North Attleborough were appointed the committee.

Subsequently, Mr. Hunt, for the above-named committee, reported that they had attended to their duties, and the committee was discharged.

At eleven minutes before seven o'clock P.M., the Deputy Secretary of the Commonwealth, Robert F. Larkin, Jr., entered the Senate Chamber and announced that he was directed by His Excellency the Governor to inform the Senate that, in compliance with the request of the two branches, and with the advice of the Council, it was his pleasure to prorogue the General Court until the day next preceding the first Wednesday of January next; and the General Court was prorogued accordingly (at ten minutes before seven o'clock P.M.).

Attest:

Edward B. O'Neill,
Clerk of the Senate.

